

**Instructions: FILL IN THE NAMES OF THE PARTIES AND THE INDEX NUMBER. COMPLETE THE BLANK SPACES NEXT TO THE INSTRUCTIONS PRINTED IN BOLD TYPE. PRINT AND USE BLACK INK ONLY. SIGN YOUR NAME IN THE PRESENCE OF A NOTARY PUBLIC.**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X

\_\_\_\_\_  
[FILL IN NAME(S)] Plaintiff(s)

vs.

\_\_\_\_\_  
[FILL IN NAME(S)] Respondent(s)

-----X

STATE OF NEW YORK

COUNTY OF \_\_\_\_\_ [COUNTY WHERE NOTARIZED] ss:

\_\_\_\_\_ [YOUR NAME], being duly sworn, deposes and says:

1. I am the defendant/fee owner and claimant in this foreclosure.
2. This affidavit is in support of an application for an order confirming the report of sale and surplus moneys of \_\_\_\_\_, Esq., as the referee appointed to ascertain and report, and directing the Commissioner of Finance of the City of New York to pay over to the defendant/fee owner and claimant, the surplus moneys heretofore deposited with him arising after sale in foreclosure.
3. As appears from the annexed report of sale and surplus moneys of \_\_\_\_\_, Esq. as the referee appointed to ascertain and report the amount due to the plaintiff dated \_\_\_\_\_/20\_\_\_\_, and filed in the office of the Clerk of the County of Queens on \_\_\_\_\_, 20\_\_\_\_.
4. As evidenced by the Certificate of no Exceptions of the Clerk of the County of Queens

bearing certificate number \_\_\_\_\_ showing no exceptions to the Referee's Report of Sale attached as Exhibit A, no exceptions to the Report of Sale have been filed.

5. As evidenced by the Certificate of Claims and Appearance bearing certificate number \_\_\_\_\_ showing no claims to the surplus money other than that of the defendant/fee owner aforementioned and showing the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) have been paid into court and deposited with the Department of Finance of the City of New York, attached as Exhibit B.

6. There is now on deposit with the Commissioner of Finance of the City of New York \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) as evidenced by the Certificate of Deposit attached as Exhibit C.

7. I therefore request that an order be entered directing the Commissioner of Finance of the City of New York to pay to the defendant/claimant \_\_\_\_\_ (YOUR NAME) all the remaining balance of said surplus monies and any accrued interest thereon, up to the amount due and owing to said defendant/claimant, less any fee due to the Clerk.

8. No prior application has been made for the relief sought herein except **[LIST ALL PRIOR REQUESTS FOR THE SAME RELIEF MADE IN THIS OR ANY OTHER COURT AND THE RESULTS OF THOSE APPLICATIONS. USE ADDITIONAL PAPER IF NECESSARY. IF NO PRIOR REQUESTS HAVE BEEN MADE, STATE "None"]** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, I respectfully request that this motion be granted, and that I have such other and further relief as the Court may find to be just and proper.

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**[Sign your name in the presence of a notary public]**

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**[ Print your name]**

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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**[NOTARY PUBLIC]**